

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**HAYES FAMILY TRUST, on Behalf of Itself §
and All Others Similarly Situated, CLAYTON §
A. HAYES, CHRISTOPHER D. HAYES, §
HOLLY D. ISCH, Individually and as §
Co-Trustees of the HAYES FAMILY TRUST §
Plaintiffs, §**

v. §

**STATE FARM FIRE AND CASUALTY §
COMPANY, a corporation, §
Defendant. §**

CASE NO. _____

JURY DEMANDED

**DEFENDANT STATE FARM FIRE AND CASUALTY COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Defendant, State Farm Fire and Casualty Company ("State Farm") hereby files its Notice of Removal ("Notice"). In support hereof, State Farm would respectfully show the Court as follows:

1. On or about January 13, 2014, Plaintiffs Hayes Family Trust, on Behalf of Itself and All Others Similarly Situated, Clayton A. Hayes, Christopher D. Hayes, and Holly D. Isch, Individually and as Co-trustees of the Hayes Family Trust filed their Petition ("Complaint") in the matter entitled *Hayes Family Trust, on Behalf of Itself and All Others Similarly Situated, Clayton A. Hayes, Christopher D. Hayes, and Holly D. Isch, Individually and as Co-trustees of the Hayes Family Trust v. State Farm Fire and Casualty Company*, Case No. CJ-2014-211, In the District Court of Oklahoma County, State of Oklahoma. A

copy of this Complaint is attached as Exhibit “1” hereto, incorporated herein, and made a part hereof for all purposes.

2. The Complaint was served upon State Farm on or about January 17, 2014. Attached hereto as Exhibit “2” is a true and correct copy of the Summons served upon State Farm.

NATURE OF THE SUIT

3. This lawsuit involves a dispute over State Farm’s alleged failure to pay for damages to Plaintiffs pursuant to a claim for benefits under a Businessowners Insurance Policy. Plaintiffs allege State Farm breached the insurance contract and committed bad faith.

BASIS OF REMOVAL

4. At the time Plaintiffs filed their Complaint, and at the time of this Removal, State Farm was and is a corporation organized in Illinois, with its principal place of business in Bloomington, McLean County, Illinois. Upon information and belief, Plaintiffs are residents and citizens of Oklahoma County, Oklahoma.

5. This Court has original jurisdiction over the matters made the basis of this lawsuit pursuant to 28 U.S.C. § 1332 in that Plaintiffs are Oklahoma citizens and are completely diverse from State Farm.

6. Venue is proper because Oklahoma County is located within the Western District of Oklahoma. 28 U.S.C. § 1441(a).

7. Additionally, the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. As evidentiary support for this allegation, State Farm relies upon Plaintiffs' Complaint, in which Plaintiffs state they are seeking damages in excess of \$75,000.00 for breach of the duty of good faith and fair dealing and an amount in excess of \$75,000.00 in punitive damages. Exhibit 1.

8. State Farm files contemporaneously herewith all pleadings or other documents on file in the State Court matter, including a copy of the Court's docket sheet, attached hereto as Exhibit "3," with the exception of the Plaintiff's Complaint attached hereto as Exhibit "1" and the Summons served upon State Farm attached hereto as Exhibit "2."

WHEREFORE, PREMISES CONSIDERED, STATE FARM FIRE AND CASUALTY COMPANY, Defendant, pursuant to and in conformity with the requirements set forth in 28 U.S.C. § 1446, removes Case No. CJ-2011-601, *Hayes Family Trust, on Behalf of Itself and All Others Similarly Situated, Clayton A. Hayes, Christopher D. Hayes, and Holly D. Isch, Individually and as Co-trustees of the Hayes Family Trust v. State Farm Fire and Casualty Company* in and for Oklahoma County, State of Oklahoma, on this, the 3rd day of February, 2014.

Respectfully submitted,

By /s/David V. Jones
David V. Jones, OBA #19611
Benjamin G. Kemble, OBA #21006
21 E. Main St., Suite 101
Oklahoma City, Oklahoma 73104

Telephone: (405) 601-8713
Facsimile: (405) 232-8330
**ATTORNEYS FOR DEFENDANT,
STATE FARM FIRE AND
CASUALTY COMPANY**

**OF COUNSEL:
JONES, ANDREWS & ORTIZ, P.C.**

CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of February, 2014, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

Mr. Jason Waddell
JASON WADDELL, PLLC
222 NW 13th Street
Oklahoma City, OK 73103

/s/David V. Jones
David V. Jones